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FILED
DISTRICT COURT OF GUAM
SEP 18 2002

MARY L. M. MORAN
CLERK OF COURT

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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

CAP AMERICA TRUST,

Plaintiff,

vs.

GOVERNMENT OF GUAM,

Defendant.

Civil Case No. 02-00024

SCHEDULING NOTICE

Kevin J. Fowler
DOOLEY LANNEN ROBERTS
& FOWLER LLP
Suite 201, Orlean Pacific Plaza
865 South Marine Drive
Tamuning, GU 96913

J. Basil O'Mallan, III
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
Civil Litigation Unit
Suite 2-200E, Judicial Center Building
120 West O'Brien Drive
Hagatna, GU 96910

The Local Rules establish procedures for complying with Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure. Counsel should study the Local Rules before attempting to process cases in this Court.

Pursuant to Local Rules 16.1 and 16.2, it is hereby ORDERED that:

1. Counsel of record and all pro se litigants that have appeared in the case must meet and confer, within fifteen (15) days after receipt of this Notice, but no later than sixty (60) days after the filing of the complaint, prior to commencing discovery.
2. A proposed Scheduling Order and a proposed Discovery Plan shall be

1 filed on or before the 22nd day of October, 2002. Careful and immediate attention should be
2 given to the directions in Local Rules 16.1 and 16.2 to ensure complete and timely compliance
3 with Federal Rules 16(b) and 26(f), and Local Rules.

4 3. Plaintiffs' counsel, or if the plaintiff is pro se, then the pro se plaintiff,
5 must take the lead in the preparation of the Scheduling Order. If a defendant is not contacted by
6 a pro se plaintiff within the required time frame, the defendant's counsel shall contact the pro se
7 plaintiff and arrange a meeting to comply with this Rule in the appropriate time frame. The
8 failure of a party or its counsel to participate in good faith in the framing of a Scheduling Order
9 may result in the imposition of sanctions.

10 4. Counsel of record and all pro se litigants that have appeared in the case
11 are jointly responsible for submitting a Proposed Discovery Plan to the Court.

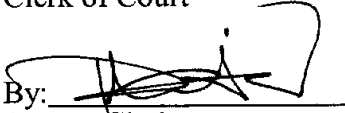
12 5. A Scheduling Conference shall be held on the 6th day of **November**,
13 **2002 at 3:00 p.m.**

14 6. Counsel are reminded that:

- 15 a) The filing of motions does not postpone discovery.
- 16 b) Local Rule 37.1 governs discovery disputes and motions.
- 17 c) The number and form of interrogatories are governed by Local
18 Rule 33.1.
- 19 d) Discovery documents and certificates of service shall not be filed
20 with the Clerk until there is a proceeding in which the document
21 or proof of service is in issue.

23 Dated: September 18, 2002

MARY L. M. MORAN
Clerk of Court

24
25 By: 
26 Deputy Clerk